	Application No.	Applicant(s)
Notice of Allowability	09/625,832	KHOO ET AL.
	Examiner	Art Unit	
	Khanh H. Le	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *2/15/2006*.

2. ☒ The allowed claim(s) is/are *38-50, 52-62, 64-76, 78-102, 104-106* .

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None of the:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

       1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

       Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date *12/06/05;11/10/05*

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

DETAILED ACTION

1.   This is in response to the Amendment and Response dated February 15, 2006.

Claims 38-50, 52-62, 64-76, 78-102, 104-106 are pending. The independent claims are

52, 54 74, 79, 81, 95, 99, 105. Receipt of the terminal disclaimer with respect to Application No.

10/738,991, filed 2/16/2005, is hereby acknowledged.

Allowance

2.   Applicants' arguments have been persuasive. Claims 38-50, 52-62, 64-76, 78-102,

104-106 are allowed.

3.   The following is an examiner's statement of reasons for allowance:

**As to the independent claims 52, 54, 74, 79, 95, 99, and 105, the following phrases in
bold in the claims below show the limitations not anticipated by the prior art of record or
rendered obvious by any combination thereof .**

Claim 52.

A computerized method for arranging advertising over a network comprising:

receiving one or more constraints related to an advertisement, wherein the one or more

constraints define desired characteristics of one or more devices, target users or reception

locations to whom the advertisement is to be delivered;

determining an estimated price for delivery of the advertisement, based on a selection of the

one or more devices, target users or reception locations where the advertisement is to be

delivered, wherein the one or more devices, target users or reception locations are selected to meet each of the one or more constraints; and

sending the estimated price over the network;

wherein the determining comprises:

searching information related to the one or more devices, target users or reception locations, each having a profile,

identifying the one or more devices, target users or reception locations by comparing the one or more constraints to the profiles of the one or more devices, target users or reception locations, and

calculating, based on the identified one or more devices, target users or reception locations, the estimated price for delivering the advertisement to the identified one or more devices, target users or reception locations, wherein the calculating comprises:

determining an overall desirability for each of the one or more devices, target users or reception locations by:

accessing at least one first value associated with each device, target user or reception location with respect to the one or more constraints, wherein the at least one first value indicates the desirability of the one or more devices, target users or reception locations with respect to the one or more constraints from a content distributor's perspective;

accessing at least one second value, specified by the advertiser, with respect to the one or more constraints, wherein the at least one second

value indicates the desirability of the one or more constraints from the advertiser's perspective; and

computing the overall desirability for the one or more devices, target users, or reception locations based on the at least one first value and the at least one second value;

computing an individual price for delivering the advertisement to each of the one or more devices, target users or reception locations based on the overall desirability for each of the one or more devices, target users or reception locations, and

computing the estimated price for delivering the advertisement to the one or more devices, target users or reception locations based on the calculated individual prices.

Independent claims 52, 54, 74, 79, 95, 99, and 105 contain substantially the same limitations as recited above thus are allowable on the same basis. All dependent claims are allowable based on their dependency.

As to the independent claim 81, the following phrases in the claim, shown in bold below, show the limitations not anticipated by the prior art of record or rendered obvious by any combination thereof.

A computerized system for advertising, comprising:
an advertiser processor capable of providing one or more constraints which define desired characteristics of one or more devices; and
an advertiser client coupled to the advertiser processor capable of receiving an estimated price and placing an order for delivering an advertisement at the estimated price;

the estimated price being based on adding up individual prices for each device location; the individual prices being based on an overall desirability of the each of the one or more devices; **the overall desirability based on at least one first and at least one second value, the at least one first value indicating a desirability of the one or more devices with respect to the one or more constraints from a content distributor's perspective, and the at least one second value indicating a desirability of the one or more constraints from an advertiser's perspective.**

All dependent claims of claim 81 are allowable based on their dependency.

4.   **The closest U.S. patent prior art is Herz et al., US 6571279 .**

Herz discloses computer methods, system, apparatus, and components for advertisers to receive estimated prices for ad spots, wherein the price is computed for an ad spot , given a set of users that match the advertiser-specified constraints that the content provider can provide to view that ad . This price is based on the demand, from the point of view of the advertiser, for each of the number of target users, based on constraints such as demographics constraints and also based on the number of users. HERZ also discloses one of the constraints is the delivery time of the ad. HERZ further teaches content providers using algorithms to maximize revenues derived from advertisers.

Herz, however, does not disclose , in order to calculate the total price for the ad spot, determining an overall desirability for each target user (or device, or reception location) based on a first value associated with each target user with respect to the one or more constraints, wherein the first value indicates the desirability of the target user with respect to the one or more constraints from a content distributor's perspective and one second value, specified by the advertiser, with respect to the one or more constraints, with the second value indicating the

desirability of the one or more constraints from the advertiser's perspective then computing an individual price based on the overall desirability for each target user (or devices, or reception location).

5.   The closest foreign prior art is WO 00/333228 to Eldering.

It discloses an advertisement selection system in which vectors describing an actual or hypothetical market for a product or desired viewing audience can be determined. An ad characterization vector is transmitted along with a consumer ID. The consumer ID is used to retrieve a consumer characterization vector which is correlated with the ad characterization vector to determine the suitability of the advertisement to the consumer. The consumer characterization vector describes statistical information regarding the demographics and product purchase preferences of a consumer, and is developed from previous purchases or viewing habits. A price for displaying the advertisement can be determined based on the results of the correlation of the ad characterization vector with the consumer characterization vector.

Eldering does not disclose, however, in order to calculate the total price for the ad spot, determining an overall desirability for each target user (or device, or reception location) based on a first value associated with each target user with respect to the one or more constraints, wherein the first value indicates the desirability of the target user with respect to the one or more constraints from a content distributor's perspective and one second value, specified by the advertiser, with respect to the one or more constraints, with the second value indicating the desirability of the one or more constraints from the advertiser's perspective then computing an individual price based on the overall desirability for each target user (or devices, or reception location).

6.   The closest non-patent literature art is: " An empirical analysis of the demand for commercial television advertising" by MASIH, RUMI, Applied Economics, 31, 2, 149(1), Feb. 1999, DIALOG(R) File 148, Record #10925691.

It discloses an empirical analysis of the demand for commercial television advertising in the Sydney metropolitan market using mathematical formulas and the like.

It does not disclose, however, in order to calculate the total price for the ad spot, determining an overall desirability for each target user (or device, or reception location) based on a first value associated with each target user with respect to the one or more constraints, wherein the first value indicates the desirability of the target user with respect to the one or more constraints from a content distributor's perspective and one second value, specified by the advertiser, with respect to the one or more constraints, with the second value indicating the desirability of the one or more constraints from the advertiser's perspective then computing an individual price based on the overall desirability for each target user (or devices, or reception location).

7.   Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is 571-272-6721. The

Examiner works a part-time schedule and can normally be reached on Tuesday-Thursday 9:00-6:00.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

February 28, 2005

KHL
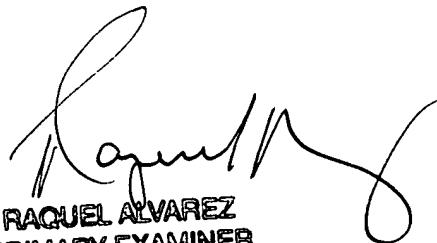
RAQUEL ALVAREZ
PRIMARY EXAMINER